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DOCKET NO. STMI07-02021
SERIAL NO. 10/603,579
PATENT

REMARKS

Claims 1-23 were pending in this application.

Claims 4-23 have been withdrawn.

Claim 1 has been rejected.

Claims 2 and 3 have been objected to.

Claim 1 has been amended as shown above.

Claims 1-23 remain pending in this application.

Reconsideration and full allowance of Claims 1-23 are respectfully requested.

I. ALLOWABLE CLAIMS

The Applicants thank the Examiner for the indication that Claims 2 and 3 would be allowable if rewritten in independent form. Because the Applicants believe that the remaining claims in this application are allowable, the Applicants have not rewritten Claims 2 and 3 in independent form.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0016762 to Martin et al. ("*Martin*"). The Applicants respectfully traverse this rejection.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they

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are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

First, *Martin* fails to anticipate a "variable phase-shifting circuit" that includes a "synchronized oscillator." *Martin* discloses a ring of inverters 202, which act as a ring oscillator. The inverters 202 of *Martin* represent variable propagation delay differential inverters, where a phase difference is provided across each pair of inverters. At most, this may indicate that the ring oscillator of *Martin* is formed from phase-shifting circuits. It does not, however, establish that *Martin* anticipates a "variable phase-shifting circuit" having a "synchronized oscillator" as recited in Claim 1.

Second, *Martin* fails to anticipate a "synchronized oscillator" having a "synchronization input" as recited in Claim 1. The Office Action appears to rely on an input to the first inverter 202 of *Martin* as anticipating the "synchronization input" of a "synchronized oscillator" as recited in Claim 1. (*Office Action*, Page 2, Last paragraph).

The ring of inverters 202 in *Martin* simply represents a standard ring oscillator. A standard ring oscillator is formed from a ring of inverters, where the ring of inverters has an output (or multiple outputs) and no inputs. The input to the first inverter 202 of *Martin* simply represents part of the ring. The input to the first inverter 202 of *Martin* does not represent an input to the ring oscillator. In fact, any assertion that the input to the first inverter 202 represents a "synchronization input" of an oscillator would be completely arbitrary. In terms of "input" to

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the ring oscillator, nothing would distinguish the input to the first inverter 202 from the input to the second inverter 202 or the input to any other inverter 202 in the ring. In other words, the Office Action would be artificially selecting one set of differential signals in the ring oscillator of *Martin* and asserting that these signals represent a "synchronization input" when nothing in *Martin* discloses that these differential signals actually represent an "input" to the ring oscillator.

For these reasons, the Office Action has not shown that *Martin* anticipates the Applicants' invention as recited in Claim 1. Accordingly, the Applicants respectfully request withdrawal of the § 102 rejection and full allowance of Claim 1.

III. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

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SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

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